1942 Legis 51-41 Serial No. 1

Previous references.

c. 41

Later references.
Legis 52-42-1
Legis 39-42-1

PRESERVED

General and Revenue Secti

Office of the Secretary to the Representative Assembly and Legislative Council

part B for May 1942

SUBJECT.

Act No XIX of 1942
The Mysore Military (Amendment) Act, 1942

To
The compiler, Mysore gazette
No RL. 2296 - Legis 51-41-1 dated 14-4-42
directs the publication of the Act in
the gazette

J Venkataramanappa
12-5.

WD 04023—GPB—1,000- 12-9-41

Serial No.

From the C.C.M.S.T.

Letter no. 1.918 P.C. d. 30.12.1941

Proposes certain amendments to the provisions in the Mysore Military Act.

1. Indian Army Act provides four kinds of courts-martial for trial of persons viz:-

(1) General Courts-martial.

(2) District Courts-martial

(3) Summary general court-martials;

(4) Summary courts-martial.

2 In the Mysore Military Act only one kind of Courts-martial has been provided under Sec. 36 of the Act 3rd. i sub-para 2 (as amended) of this sechi lays down trial procedure to be observed for assembly and composition of courts-martial on Service and in time of war exch be the same as that laid down in the Indian Army Act, 1911 as amended from time to time." In accordance with this provision Summary Courts-martial is being held in respect of persons of the Mysore State Troops though there is no specific provision for it in the Mysore Mily: Act

3. According to Sec. 31. of the Mysore Military Act the Chief Commandant is not authorised to cancel, remit, or reduce any Summary award of punishment made by a commanding Officer, with

Serial No.

the approval of Govt and under Sectn 63 of the Act the proceedings of every Court Martial are to be confirmed by Govt. In forwarding Court-Martial proceedings in respect of Recruit Sreeramulu Naidu for desertion, the Chief Commdt enquired whether he could exercise the powers of a Brigade Commander or the prescribed Officer as in Section 102 of the Indian Army Act in reviewing & confirming the Sentence passed by a Summary Court Martial. He was informed in letter d. 18.9.41 that the C.C. cannot exercise such powers until the Mysore Military Act is amended in this respect. The C.C's attention was drawn to this letter in Dec: 1941 when he sent the Summary court-martial proceedings in respect of recruit Chick Ranga, refer reducing the Sentence passed by the Court. Hence the C.C's proposal to amend 63 of the Mysore Military Act.

4. The C.C. is empowered under Sec. 8 of the Mysore Military Act to convene a court-martial for the trial of a person other than a commissioned officer and trial in respect of commissioned officers he can convene the Court-Martial with the

D

L page 2

A

G

R

M. page 17

S Mtg 174-3

Amendment of Section 63 of the Mysore Military Act

General and Revenue Secretariat | File No. Mily of 194 | [App. F. III—2

Serial No.

Sanction of Govt. The C.C. requests that he may be empowered to confirm the proceedings of a court-martial in respect of non-commissioned officers & men as he is empowered to convene such courts-martial, similar to provision under Section 96 of the Indian Army Act. He states that by this measure cases will be disposed of speedily and unnecessary correspce with Govt will be saved. In these circumstances the amendment of Secn 63 of the Mysore Military Act proposed by the C.C as in para 6 of his letter may be approved.

5. The other amendments suggested in para 8 of below may not be taken into consideration as the C.C. has since stated in his U.O. note d. 15.1.42 that these amendments are not necessary if a notification is issued stating that the Mysore State Troops subject to the Mysore Military Act will be considered as on "active service" for purposes of discipline & award of punishments in regard to crimes specified in Sections 77 & 78 of the Mysore Military Act. Papers relating to this are being worked up in the Leg. Section and it is proposed to accept the C.C's suggestion and to issue a notification

Submitted for orders.

13/2/42

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

4084

Amendment of Secn 63 of the Mysore Mily. Act

File No. Mily of 194

General and Revenue Secretariat

Serial No.

The proposed amendment of Sec 63 of the Mysore Military Act is a necessary corollary to the Section 38 of the Military Act as already amended empowering the C.C to convene Courts Martial in respect of ~~other ranks~~ non-commissioned officers & men, as the former Section deals with the question of appointments of the presidings of Courts Martial, which power is now vested in Govt. Similar powers such a provision is made in the Indian ~~Military~~ Army Act - vide Sec 96. This power may in the circumstances mentioned by the C.C. in para 7 of his letter, be delegated to him & the Section of the Mysore Military Act amended accordingly.

A Separate action is being taken in regard to the other suggestions in consultation with the Legislative Section

(Gen Secy)

by 15/2/42

GENERAL SECRETARY. 16 FEB. 1942

G. Sec-I

& Section 63 of the Mysore Military Act may be amended as proposed by the C.C.

(Dewan through Rev Secy)

4771/41 4084

Amendment of S. 63 of the Military Act

General and Revenue Secretariat | File No. Mily | of 194 | [App. F. III—2

Serial No.

DEWAN'S OFFICE
27 FEB 1942
No. 7427

9. As S. 38 was recently amended, it is necessary to amend S. 63 as suggested by the C. C

Hm 2 26/2/42

Secretary

10) Nil 28/2/42

28/2

11) Mily. 174-39 (1-2) collection placed for refee on this file has not been returned. As it is required for drafting a G.O. it may be kindly placed on this file. Law Secty.)

3/3/42

12) Yes - Please urgent 3/3

13) The amendment of Sec 63 of Military Act is proposed as such, action by G.O. deal with by Legislative Secretary Law Secretary) 3 3/3/42

3 MAR 1942
GOVT OF MYSORE

Hm 2 3/3/42

Approved

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Amendments to s. 9 of the Mysore Municipality Act-

File No f 194 General and Revenue Secretariat.

Serial No.

This is Council matter and may be disposed off by circulation

Dewan)

Hm 2 5.3.

Chief Gen Secy

BKR 5.3.42

5/3

BKR 5.3.42

Hm 6/3/42

(5) For favour of circulation

Chief Secy)

Hm 2 6/3/42

BKR 6.3.42

BEWAN'S OFFICE 5 MAR 1942 7601

Kindly see 11/2/42 the a note submitted with a

For Disposal by Circulation. No. C 793

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Amendment of Section 63, Mysore Military Act.

(b) *Circulated to the Council of Ministers.*

By Order,

10th March 1942. *Chief Secretary to Government*

---

inister for Finance and Revenue.

Minister for Law

Minister for Education.

Minister for Local Self-Government and Public Health

4084

Amendment of Section 63 of the Mysore Mills Act

General and Revenue Secretariat | File No. Mills of 194 | [App. F. III

Serial No.

D. S. R. to follow up

1873

1873

GENERAL SECRETARY.
23 MAR 1942
5647

Submitted to His Highness.

Under paragraph 38 of the Mysore Military Act, as amended by Act XXIX of 1940, the Chief Commandant, Mysore State Troops, is empowered to convene a court martial for the trial of a person other than a Non-commissioned Officer, sanction of Government being obtained for convening such courts martial in respect of Commissioned Officers. He has, however, no powers of confirmation of the proceedings of any court martial. The Chief Commandant now requests that he may be empowered to confirm the proceedings of a court martial in respect of a Non-Commissioned Officer, similar to the provision under Section 96 of the Indian Army Act.

It is proposed to accept the Chief Commandant's proposal and to amend paragraph 63 of the Mysore Military Act so as to read as follows:-

"The proceedings of every court martial shall, after being signed by the President (Commanding Officer in the case of Summary Court Martial) and members, be sent in a sealed envelope by the hand of the officer who wrote them to the Chief Commandant for confirmation in the case of such court martial as he is empowered to convene under paragraph 38, and in other cases for transmission to Government for confirmation".

I solicit His Highness's gracious sanction to the proposal which has been agreed to by me and the Ministers.

N Madhava Rau

DEWAN.

Camp Fernhill,
23rd March 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal of the Chief Commandant, Mysore State Troops, to amend Section 63 of the Mysore Military Act.

General and Revenue Secretariat.

C 79

SUBJECT :—

Proposal of the chief Commandant, Mysore State Troops to amend Sec. 63 of the Mysore Military

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

31/3

Chief Secretary to Government.

Through the Secretary to Government,

Law .....Department.

2
31/3/42

6012
31.3.42

Minister for Finance and Revenue. 31.3.42

9989
31.3.42

Minister for Law. 31-3-42

5255
1.4.42

Minister for Education. 2.3.42

6023
4.4.42

Minister for Local Self-Govt. and Public Health. 4.42

Law Secy.
: Compliments)

VD 06360—GPB—500—23-3-42

6/4

2
6/4

M. Mysore Military (Amendment) A

4084 / G.M. 6745.

General and Revenue Secretariat
R. A. & L. C.

File No. 834/M of 194

App. F. III-2

Serial No.

The gracious assent of His Highness the Maharaja has been accorded on the 25th day of March 1942 to promulgate an Act further to amend the Mysore Military Act 1899

A draft G.O directing the publication of the Act as Act No XIX of 1942 is put up

W.
9-4-42

ction 30 of the Govt. of Mysore Act has been referred to as the subject matter of this enactment is an excluded item

Secy. RA 2c)
9.4.42

BKR
9.4.42

Law Secy)

SECY. LAW DEPT. 29 7 APR 1942 MYSORE

Hm
2
10/4/42

Issue
11.4.42

Issued No RL.2296 - Legis 51-41-1 - dated 14-4-42 to the Compiler, Mysore Gazette — directs publication of the Mysore Military (Amendment) Act, 1942 as Act No XIX of 1942

The file will be sent to the G.M. Branch to note the passing of the Mysore Military (Amendment) Act, 1942 and return the file when done with

W.
2-5-42

2.5.42

G.M. Branch)
Submit for perusal before returning the file to the Law Secty.

NOTE—Contn. Sheet.
REV. SECT. 18. MAR. 1942

Legislative Secy)
5.5.42

File No. 834/M of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

Please take immediate action to get the Military Act reprinted amended upto date

Sd/-
8542

4084

8. m.

Read on 2-1-42

MYSORE STATE TROOPS.

Telephone No. { 2442 (office) 2662 (table)

Telegr. Address STATROOPS

No. 4218 P.C.

FROM

OFFICE OF THE CHIEF COMMANDANT,

Bangalore, dated 30-12-41 *194*

COL. M. D. VIGORS, D.S.O., M.C.,
Chief Commandant,
Mysore State Troops, Bangalore.

GENERAL SECRETARY.
31 DEC. 1941

The General Secretary
to the Government of H.H.the Maharaja of Mysore,
Bangalore

SIR,

With reference to your letter No.G.6634/Mily.112-41-6 16 dated 23rd December 41 and para 4 of your letter No.G.2367/Mily.112-41-2 dated 18th Sept.41, I have the honour to observe that the restriction regarding my powers in respect of summary award of punishments made by a Commanding Officer relates to the powers vested in the latter for summary awards under section 4 of the Mysore Military Act. It does not appear to have any reference to the sentences awarded by the Presiding officer of a Summary Court Martial (who happens to be the Commanding officer in this particualr kind of court martial)

2 As the Presiding officer of a Summary Court Martial a Commanding officer is invested with far greater powers than merely as a Commanding officer acting under Section 4 which is safeguarded under section 34.

3 An award by a Summary Court Martial is entirely different from a Summary award by a Commanding officer.

4 Summary Courts Martial are conducted by a Commanding officer under my orders in the case of Indian other ranks and I am of opinion that when section 38 of the said act was amended giving the Chief Commandant powers to convene Courts Martial in respect of Other Ranks, section 63 dealing with confirmation of the proceedings of Courts Martial should have also been amended giving him powers of confirmation or reduction of the proceedings of such Courts Martial as are convened by him.

5 It is laid down in the Indian Army Act that the convening officer is also the confirming officer.

6 I suggest that this may be done now by amending section 63 to read as below:

" The proceedings of every court martial shall after being signed by the President (Commanding officer in the case of summary court martial) and members, be sent in a sealed envelope by the hand of the officer who wrote them to the Chief Commandant for confirmation in the case of such courts martial as he is empowered to convene under section 38, and in other cases for transmission to Government for confirmation."

7 I need hardly point out how necessary it is in these times that such powers should be vested in me in dealing with military crimes committed by Indian other ranks as this not only ensures speedy disposal of cases but also saves considerable unnecessary correspondence with Government.

8 In this connection, I also request that the words " on active service" occurring in section 78 be defined to include reinforcement drafts in the State "warned for despatch to a unit on active service" and that "Desertion" be deleted from section 81 and added to section 80 where it properly belongs.

9 In the Indian Army at present the average sentence for "Desertion" by a man warned for draft is 7 years.

10 I suggest section 78 be worded as follows.

" Section 78 The following offences, when committed on active service or in the case of "desertion" warned for draft for a unit which is on active service are punishable ~~(at)~~ under these rules etc."

I have the honour to be,
Sir,
Your most obedient servant,

Col.,
Chief Commandant,
Mysore State Troops

The previous papers referred to in the opening para have been kept separately in respect of Court martial proceedings in regard to Recruit Chicka Ranga. After orders are passed thereon & his papers become available, this paper will be worked up.
7/1/42

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. R.L.2296/Legis 51-41-1 Dated, Bangalore, 14-4-1942

Ordered that the accompanying Act further to amend the Mysore Military Act, 1899

which received the assent of His Highness the Maharaja, on the 25th day of March 1942, be published as Act No. XIX of 1942, in the *Mysore Gazette*, for general information.

BOR 9.4.42

10/4/42

General Secretary to Government.
Law Departm

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. R.L. 2296/Legis 51-41-1 Dated, Bangalore, 14-4 1942

Ordered that the accompanying Act further to amend the Mysore Military Act, 1899

which received the assent of His Highness the Maharaja, on the 25th day of March 1942, be published as Act No. XIX of 1942, in the *Mysore Gazette*, for general information.

BKR 9.4.42

Hm 10/4/42

General Secretary to Government.

Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to
The Translation Section

ACT NO. XIX OF 1942.

The Mysore Military (Amendment) Act, 1942

(Received the assent of His Highness the Maharaja on the 25th day of March 1942)

Whereas it is expedient further to amend the Mysore Military Act, 1899

Now therefore in exercise of the powers conferred by section 30 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:-

Short title and commencement

I. (1) This Act may be called the Mysore Military (Amendment) Act, 1942.

(2) It shall come into force at once.

Substitution of new paragraph 63, Act 11 of 1899

II. For paragraph 63 of the Mysore Military Act 1899, the following paragraph shall be substituted, namely:-

"The proceedings of every court martial shall, after being signed by the President (Commanding Officer in the case of summary court martial) and members, be sent in a sealed envelope by the hand of the Officer who wrote them to the Chief Commandant for confirmation in the case of such court martial as he is empowered to convene under paragraph 38, and in other cases for transmission to Government for confirmation."

Sd. M. MADHAVA RAU,

Dewan.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. R.L. 2296 /Legis.51-41-1

Dated, Bangalore, 14th April 1942.

Ordered that the accompanying Act further to amend the Mysore Military Act, 1899 which received the assent of His Highness the Maharaja on the 25th day of March 1942 be published as Act No. VIX of 1942, in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To--The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

HKR/4.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. R.L.2296 /Legts.51-41-1

Dated, Bangalore, 14th April 1942.

Ordered that the accompanying Act further to amend the Mysore Military Act, 1899 which received the assent of His Highness the Maharaja on the 25th day of March 1942 be published as Act No.XIX of 1942, in the Mysore Gazette, for general information.

H.V. Nanjundaiah

Secretary to Government,
Law Department.

To--The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

HKR/4.

Copy to the Translation Section.

ACT NO. XIX OF 1942.

The Mysore Military (Amendment) Act, 1942

(Received the assent of His Highness the Maharaja on the 25th day of March 1942)

Whereas it is expedient further to amend the Mysore Military Act, 1899

Now therefore in exercise of the powers conferred by section 30 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:-

Short title commencement

I. (1) This Act may be called the Mysore Military (Amendment) Act, 1942.

(2) It shall come into force at once.

Substitution of new paragraph ~~63~~ in ~~Act 11 of 1899~~

II. For paragraph 63 of the Mysore Military Act 1899, the following paragraph shall be substituted, namely:-

"The proceedings of every court martial shall, after being signed by the President (Commanding Officer in the case of summary court martial) and members, be sent in a sealed envelope by the hand of the Officer who wrote them to the Chief Commandant for confirmation in the case of such court martial as he is empowered to convene under paragraph 38, and in other cases for transmission to Government for confirmation."

Sd. N. MADHAVA RAU,

Dewan.

NOTIFICATION.

Order No. R. L. 2296—*Legis.* 51-41-1, *dated Bangalore, the* 14*th April* 1942.

Ordered that the accompanying Act further to amend the Mysore Military Act, 1899, which received the assent of His Highness the Maharaja on the 25th day of March 1942, be published as Act No. XIX of 1942, in the *Mysore Gazette*, for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT NO. XIX OF 1942.

The Mysore Military (Amendment) Act, 1942.

(*Received the assent of His Highness the Maharaja on the* 25*th day of March* 1942).

Whereas it is expedient further to amend the Mysore Military Act, 1899

Now, therefore, in exercise of the powers conferred by Section 30 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:—

I. (1) This Act may be called the Mysore Military (Amendment) Act, 1942. Short title and commencement.

(2) It shall come into force at once.

II. For paragraph 63 of the Mysore Military Act, 1899, the following paragraph shall be substituted, namely:— Substitution of new paragraph for paragraph 63.

"The proceedings of every court-martial shall, after being signed by the President (Commanding Officer in the case of summary court-martial) and members, be sent in a sealed envelope by the hand of the Officer who wrote them to the Chief Commandant for confirmation in the case of such court-martial as he is empowered to convene under paragraph 38, and in other cases for transmission to Government for confirmation."

N. MADHAVA RAU,
Dewan.

Price 0-0-3

Printed by the Superintendent at the Government Press, Bangalore.

THE MYSORE MILITARY ACT, 1899.

Price : 0-2-9

THE MYSORE MILITARY ACT, 1899.

(PASSED ON THE 5TH DAY OF APRIL 1899

Whereas it is expedient to amend the Disciplinary Law applicable to† the Mysore Lancers, Mysore Horse, Mysore Infantry and Mysore Mechanical Transport Corps, Her Highness the Maharani-Regent has been pleased to enact as follows:—

Sections 4 and 5 of the Standing Orders for the Mysore Imperial Service Cavalry, issued under date the 11th Day of February 1897 are hereby cancelled, and in lieu thereof the following Rules for the Punishment of Crime in the Mysore Imperial Service Cavalry and Transport [Corps] shall come into operation from the passing of this Act, which may be cited as "The Mysore Military Act, 1899"

RULES FOR THE PUNISHMENT OF CRIME IN THE MYSORE IMPERIAL SERVICE CAVALRY AND TRANSPORT [CORPS].

PRELIMINARY.

†1. "All officers, non-commissioned officers, sowars, sepoys, drivers and followers of the Mysore Lancers Mysore Horse, Mysore Infantry and Mysore Mechanical Transport Corps are subject to these rules except on active service when they are under the same rules as laid down in the Indian Army Act, so far as such rules can be made applicable to them."

I.—DEFINITIONS.

2. The following are military offences.— Military offences.

(1) *Mutiny* is the act of two or more soldiers or followers who join together to resist or disobey lawful authority.

---

* Certain words were substituted by para 1 of Act II of 1910 and Act XXIX of 1940.

[ ] Added by para 1 of Act II of 1910.

† Substituted by para 1 of Act XXIX of 1940.

(2) *Violence to superiors.*—Any soldier or follower who strikes, pushes, or threatens to strike or injure any officer or non-commissioned officer of superior rank to himself, whether on or off duty, is guilty of this offence.

(3) *Insubordination* is wilful disobedience in word or deed of any lawful command given by a superior in the execution of his duty or insolence to *a superior.*

(4) *Disobedience* is the non-compliance with any lawful command given by a superior officer (*i.e.*, officer or non-commissioned officer).

(5) *Desertion* is absence without leave *with the intention* of not returning. A soldier absent without leave for two months will be considered a deserter, unless his absence can be satisfactorily accounted for.

(6) *Sentry sleeping on or quitting his post.*—A soldier quits his post when he leaves it without being properly relieved.

†(7) *Seeking plunder.*—Any officer or soldier who leaves his regiment or post for the purpose of pillaging the inhabitants of the country, or breaks into any place to plunder, is guilty of this offence.

(8) *Abandoning garrison or post* is the quitting or giving up by any officer or soldier of a garrison, post, or guard committed to his charge, or which it is his duty to defend.

(9) *Betraying watchword.*—A soldier who makes known the watchword or countersign to any person not entitled to receive it is guilty of this offence.

(10) *Corresponding with the enemy* is the holding of any correspondence with, or communicating any intelligence to an enemy, or the knowing of the existence of such correspondence or communication, and omitting to report the same to a superior officer.

‡(11) *Assisting the enemy* is the assisting or relieving of an enemy with ammunition, provisions, or money, or knowingly harbouring or protecting any enemy of, or person in arms against, the Government.

[*—*] The words were substituted for the words "the same" by para 2 (*a*) of Act XXIX of 1940.

† Certain words were omitted by para 2 (*b*) of Act XXIX of 1940.

‡ The word "British" omitted by para 2 (*c*) of Act XXIX of 1940.

(12) *Misbehaviour in presence of the enemy* is cowardice or casting away arms or ammunition in the presence of an enemy, or using words calculated to discourage or to induce any officer or soldier to abstain from acting against an enemy.

(13) *Creating false alarm* is the spreading of a report by word or letter calculated to cause false alarm, or intentionally doing some act which will cause a false alarm.

(14) *Assaulting persons bringing provisions* is the using of force against or assaulting any person bringing in provisions or other necessaries to the camp.

(15) *Striking or forcing a sentry.*—Anybody wilfully doing an act to prevent which a sentry has been posted forces that sentry, and thus becomes guilty of this offence.

(16) *Unbecoming behaviour in an officer* is the commission of any *act* derogatory to the rank and position of an officer, and calculated to lower him in the eyes of his men.

(17) *Absence without leave.*—A soldier or follower is guilty of this offence who leaves his regiment without permission, or who overstays leave granted to him without a sufficient cause.

(18) *Releasing prisoner* is without proper authority releasing a prisoner placed under his charge, or allowing him to escape.

(19) *Drunkenness on duty* is intoxication with spirits or drugs when on or warned for any duty, or on parade or the line of march.

N.B.—The line of march is the distance between the station of departure and that of destination.

(20) *Breaking arrest* is the leaving of quarters, place of confinement or lines without permission when under arrest, in confinement, or under punishment.

(21) *Striking subordinate* is the ill-treating of any soldier or camp-follower junior in rank or position.

(22) *Extortion* is the demanding of money, goods, or position by threatening, exposure, punishment etc. or by holding out hopes of advancement or gain.

[*—*] This word was substituted for the word 'offence' by para 2 (*d*) of Act XXIX of 1940.

(23) *Defiling place of worship* is intentionally doing an act in connection with a place of worship calculated to wound the feelings of those who are in the habit of using that or similar places for the purposes of religion.

(24) *Injuring or making away with horse, arms clothing or equipment* is wilfully, or through neglect, injuring, losing, concealing, removing, selling or delivering to any unauthorized person the horse, arm, clothings, or equipment, entrusted to the care of a soldier.

25) *Embezzlement* is dishonestly misappropriating or converting to his own use money, provisions, forage, arms, equipment, or stores of any kind entrusted to the charge of an officer or solider, or dishonestly using, or disposing of such property, or dishonestly receiving or retaining any such property, knowing or having reason to believe it had been dishonestly misappropriated or converted.

(26) *Destroying Government property* is the wilful injuring or destroying of property belonging to the State, or to the Government of India.

(27) *Giving false evidence* is, after being duly sworn, or affirmed, making a false statement, knowing or believing it to be false, before a Court-Martial or other Military Court competent to administer an oath or affirmation.

(28) *Malingering* is feigning, producing, or aggravating illness or intentionally delaying cure.

(29) *Wilfully causing hurt* is the intentional injuring by a soldier or follower of himself or other person with intent to render himself or other person unfit for the service.

(30) *Theft* is the taking of an article which does not belong to the taker, without lawful permission.

(31) *Making false returns* is knowingly furnishing a false return or report, or, through design or culpable neglect, omitting or refusing to send or make a true return or report.

(32) *Other fraudulent offences* are such other acts as are done with intent to defraud, or cause wrongful loss to one person or wrongful gain to another.

(33) *Harbouring deserter* is knowingly concealing a deserter, or knowing where he is located, not giving information thereof to his Commanding Officer.

The word "military" was omitted by para 2 (e) of Act XXIX of 1940.

(34) *Failure to rejoin* is, when a soldier or follower on leave of absence having received information from proper authority that his regiment or corps has been ordered on service, failing, without sufficient cause, to rejoin without delay.

(35) *Failure to attend parade* is without sufficient cause failing to appear, at the fixed time, at the parade or place appointed for exercise or duty.

(36) *Taking bribes* is directly or indirectly requiring, accepting or obtaining, or agreeing to accept or obtain, for oneself or some other person, any gratification as a motive or reward for procuring the enlistment, leave, promotion, appointment, etc., of any person in the service.

(37) *Habitual drunkenness* is intoxication more than four times in three months.

(38) *Contempt of Court* is the intentional offering of any insult to a Court-Martial, or causing interruption or disturbance to a Court-Martial, or using menacing word, sign, or gesture in the presence of a Court-Martial.

(39) *Offences against Courts-Martial* are intentionally omitting to attend when duly summoned, prevaricating, refusing to take an oath, or to make affirmation, refusing to answer a question, refusing or neglecting to produce or give up any book or document ordered by the Court to be produced or given up.

(40) *Cruelty or indecency* is the committing of any offence of a cruel, indecent or unnatural kind, or attempting any such offence, or doing any act towards its commission.

(41) *Enlisting a deserter* is enlisting a person, knowing or having reason to believe that he is a deserter.

(42) *Quitting parade or line of march* is the doing so without sufficient cause, or without leave from a superior officer.

(43) *Appearing armed in camp* is appearing, when off duty without proper authority, in or about camp, or cantonments, or in or near any bazaar, or town, carrying a sword, bludgeon, or other offensive weapon.

(44) *Writing anonymous letters* is the writing, or causing to be written, any letter or document not bearing a signature with a view to injuring the person or persons written about.

(45) *Conduct prejudicial to good order and military discipline* is being guilty of any act or omission considered prejudicial to good order and military discipline which a

Court-Martial can try (*i.e.*, military offences not already specified).

(46) *Abetment* is either directly or indirectly aiding in the actual commission of a crime.

(47) **Fraudulent enrolment.* A soldier or follower is guilty of this offence when without having first obtained a regular discharge from the corps or unit to which he belongs, he enrols himself in the same or any other corps or unit.

(48) †*False answers on enrolment.*—Any person subject to this Act who makes a wilfully false answer to any question set forth in the prescribed form of enrolment which was put to him by the enrolling officer before whom he appeared for the purpose of being enrolled is guilty of this offence.

‡**2A.** *Chief Commandant* shall mean the officer entrusted for the time being with the command of the Mysore Troops.

Power of Commanding Officer.

II.—Powers of Commanding Officer.

3 The following crimes will be dealt with by Commanding Officers, unless owing to frequent repetition, or the gravity of the offence, they think it advisable to report the matter to higher authority, in which case, they will, in making the report, give a different expression of opinion as to what punishment or action they suggest–

Drunkenness.
Insubordination.
Gambling.
Striking soldiers.
Wilfully causing hurt.
Absence without leave.
Failure to attend parade
Irregularities on guard, or sentry duty in peace time.
Neglect or maltreatment of a horse, poney, or mule.
Creating a disturbance.
Conduct to the prejudice of good order and military discipline.

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*This definition was added by Section 1 o Act I of 1920.

†This sub-para was added by para 2 (*f*) of Act XXIX of 1940.

‡The figure and lettter 2A were substituted for the original figure 47 by para 1 of Act II of 1906.

4. For the foregoing offences commanding officers may award the following summary punishments, *viz.*—

Imprisonment.

(*a*) **Imprisonment*, with or without hard labour to the extent of fourteen days. This punishment, which is to be reckoned from the time of the Commanding Officer's award, is to be carried out in the quarter-guard, prisoner's room, or cell and ends at the sunset of the day the sentence expires. An award of imprisonment may be accompanied by an award of confinement to the lines, but both together must not exceed 30 days.

Confinement to lines.

(*b*) **Confinement to lines*, for any period not exceeding twenty-eight days which carries with it punishment drill to the extent of fifteen days, the taking of all duties in regular turn, attending parades and being further liable to be employed on duties of fatigue at the discretion of the Commanding Officer. Every award of confinement to lines for fifteen days and under, is to carry with it punishment drill, which will be carried out in marching order under the supervision of a non-commissioned officer, detailed by the Adjutant for the purpose, and must never exceed two hours a day and one hour at a time.

Deprivation of G. C. P.

(*c*) Deprivation of good conduct pay, either as a substantive punishment, or in addition to any other minor punishment.

Confinement to the lines or imprisonment must always be awarded in addition to forfeiture of pay for absence without leave.

Extra guards and duties.

(*d*) *Extra guards and duties.*—These are only to be ordered as a punishment for minor offences or irregularities when on or parading for these duties and will not exceed three.

Stoppages of pay

†(*e*) *Stoppages of pay* for absence without leave, but only for the number of days absent.

Stoppages will be enforced for each day, or portion of a day of absence without leave. Overstaying leave will be considered equivalent to, and will be dealt with as absence without leave. Confinement to the lines, or imprisonment must always be awarded in addition to forfeiture of pay for absence without leave.

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*In para 4 (*a*), the word "fourteen" was substituted and certain words were added and in para 4 (*b*) "twenty-eight" was substituted by paras 3 (*a*) and (*b*) of Act XXIX of 1940.

†A sentence was omitted by para 3 (*c*) of Act XXIX of 1940.

Stoppage of leave

(*f*) *Stoppage of all leave* during the ensuing six months or forfeiture of the next furlough due.

Arrest of officers

†**5.** (*a*) The Commanding Officer, on receiving a complaint or coming to know of circumstances tending to incriminate an Officer, will, if he is satisfied by enquiry that it will be necessary to proceed with the case, place him under arrest and at once submit the records to the Chief Commandant for the orders of the Government.

(*b*) The Chief Commandant will submit the records with his own recommendation to the Government releasing the officer concerned from arrest, if, in his opinion, there are not sufficient grounds for proceeding with the case.

Release from arrest.

6. An officer placed under arrest by the Commanding officer will not be released from arrest without the orders of the Chief Commandant under Section 5 (*b*) or the sanction of Government.

Punishment of non-commissioned officers.

§**7.** Commanding Officers will award non-commissioned officers (including lance dafdars) only the following minor punishments :-

(*a*) reprimand, severe reprimand.

(*b*) deprivation of one rate of good service pay.

For serious offences, non-commissioned officers should be placed under arrest, and their offences reported to the Chief Commandant. Non-commissioned officers should not be reprimanded in the presence of hearing of subordinates, lest their authority be weakened and their self-respect lessened.

Alteration of punishments

8. No award of punishment will be increased for any one offence once the prisoner has left the Commanding Officer's presence, and no punishment once awarded will be reduced, except with the sanction of Government.

***Para 4 (*g*) was omitted by para 3 (*a*) of Act XXIX of 1940

†Paras 5 (*a*) & (*b*) were substituted, by para 4 of Act XXIX of 1940.

‡Certain words were inserted by para 5 of Act XXIX of 1940

§Para 7 was amended by para 6 of Act XXIX of 1940

Persons to be present at investigation.

9. †The Squadron or Company Commander, Troop or Platoon Commander and Section Commander will be present when a prisoner is brought before the Commanding Officer and the man's sheet roll will be produced by the Troop or Platoon Commander in order that his previous character may be ascertained.

Record of punishments.

10. All awards of punishment will be first entered in the general defaulters' book and then copied into the men's sheet-rolls.

PUNISHMENT OF FOLLOWERS.

Punishments of followers.

11. ‡Followers are subject to the following punishments by Commanding Officers:—

Menial servants to—

Dismissal.	15 days' confinement in the lines
3 days' imprisonment	Fines not exceeding a day's pay for each offence

Others to—

Dismissal.

Fines, not exceeding half their monthly pay in any one month, and not exceeding two months' pay in the year.

[°] III.—POWERS OF SQUADRON COMMANDERS, COMPANY COMMANDERS AND ADJUTANTS.

wers of Squadron Commanders, Company Commanders and Adjutants.

13. [°] Squadron Commanders†, Company Commanders† and Adjutants may award to sowars, sepoys and drivers—

Ten days' confinement to the lines carrying with it punishment drill.

Extra stables not exceeding half an hour at a time.

Extra inspection parades of uniform, saddlery and equipment.

Extra drill not exceeding one hour a day, for not more than three days.

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†Substituted for the original by para 7 of Act XXIX of 1940.

‡Para 11 was amended by para 11 of Act IV of 1901 and para 8 of Act XXIX of 1940.

***Para 12 was omitted by para 4 of Act II of 1910.

[°] Para 13 and its heading were amended by para 9 of Act XXIX of 1940, and para 4 of Act II of 1910.

Power of officers when officiating.

14 Officers officiating as Commandants, Squadron Commanders, Company Commanders and Adjutants are authorised to award the punishment which may be awarded by those ranks.

Powers of State Officers not in command of Companies or Squadrons :—

(*a*) Seven days' confinement to the lines

(*b*) Extra drill not exceeding one hour a day for not more than seven days.

(*c*) Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding six in all.

(*d*) Extra inspection parades (not exceeding one) of saddlery and equipment.

IV.—POWERS OF INDIAN OFFICERS.

Powers of Indian officers.

16. Risaldars and Subedars may award—

(*a*) seven days' confinement to the lines

(*b*) extra drill not exceeding one hour a day, for not more than three days;

(*c*) extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding six in all:

(*d*) Extra inspection parades (not exceeding three) of saddlery and equipment.

17. Jamadars may award—

(*a*) three days' confinement to the lines

(*b*) extra drill, not exceeding one hour a day, for not more than three days.

VII.—ASSISTANT-SURGEONS AND HOSPITAL-ASSISTANTS.

Of Assistant Surgeons and Hospital Assistants.

20. Assistant Surgeons may award up to 10 days and Hospital Assistants up to 10 days' confinement to the hospital compound to hospital servants; all punishments so awarded must be reported on the following morning to the Commanding Officer.

Para 14 was amended by para 4 of Act 1910 and para 10 of Act XXIX of 1940.

Paras 15, 18 and 19 were omitted by para 5 of Act 11 of 1910.

†Para 16 and its heading were amended by para 11 of Act XXIX of 1940.

‡Certain words were omitted by para 12 of Act XXIX of 1940

VIII.—Powers of Officers in Command of Detachments.

Powers officers comma detachr

21. *The Commanding Officers may, if they consider it desirable and necessary, authorise any officer of whatever rank who may be in command of a detached party or outpost to award any or all of the following minor punishments, notifying their action to the Chief Commandant:—

Powers of Officers in command of detachments, if authorised by Commanding Officer:—

(i) If the Officer Commanding Detachment is a State Officer:—

(*a*) Imprisonment with or without hard labour to the extent of 7 days.

(*b*) Confinement to lines up to 14 days.

(*c*) Extra drill not exceeding 2 hours a day and not more than 5 days.

(*d*) Extra inspection parades of saddlery and equipment, not exceeding three.

(ii) If the Officer Commanding Detachment is an Indian Officer:—

(*a*) Imprisonment with or without hard labour to the extent of 5 days.

(*b*) Ten days confinement to the lines.

(*c*) Extra drill not exceeding 2 hours a day for not more than 5 days.

(*d*) Extra inspection parades of saddlery and equipment not exceeding three.

22. †All awards must be reported to the Adjutant in writing, for entry in the general defaulters' book and submission to the Commanding Officer.

IX.—Powers of Chief Commandant.

Summary powers of C. C.

23. The following punishments may be awarded by the Chief Commandant.

a) ‡To non-commissioned officers—

(1) Reprimand. Severe Reprimand.

(2) Loss of standing.

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*This para was substituted for the original by para 13 of Act XXIX of 1940.

†Certain words were omitted by para 14 of Act XXIX of 1940,

‡Certain words were added to para 23 (*a*) by para 15 of Act XXIX of 1940.

(3) Reduction to the ranks, or to a lower grade.

(4) Reduction and imprisonment up to 28 days, with or without hard labour, but no non-commissioned officer can be awarded imprisonment without first having been reduced to the ranks.

(*b*) To sowars, sepoys, drivers and all followers—

(1) Imprisonment up to 28 days, with or without hard labour.

(2) Dismissal.

(3) Reduction to a lower grade

24. An officer can be reprimanded, but cannot otherwise be punished by the Chief Commandant.

Cases how to be dealt with by C. C.

25. Should the Chief Commandant consider that an officer has committed an offence for which a reprimand is not a sufficient punishment, he will report the case for the orders of Government.

26. Should the Chief Commandant come to the conclusion that an officer who is accused of an offence has erred through incapacity rather than with intention, he should, in forwarding the case for the orders of Government, give reasons for the conclusion he has come to.

Summary discharge of men who have re-enlisted.

27. The Chief Commandant is empowered to discharge summarily any person, of whatever rank, who may have enlisted without declaring his previous service, whether in the British (Native) Army, in an Imperial Service Corps or in the military service of any State

X.—Investigation of Charges.

Investigation of charges.

28. When an accusation is made against any officer or non-commissioned officer, or when any serious charge is preferred against, or any serious crime committed by, any person subject to these Rules, an immediate report is to be made to the Chief Commandant for his information.

29. The Chief Commandant will thereupon arrange to personally investigate the case. Provided that should he be unable to make such personal investigation within the 48 hours prescribed by the following Rule 30 he shall

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This sub-para 23 (*b*) was substituted for the original by Act I of 1905 and amended by para 16 of Act XXIX of 1940.

†Sub-para (*c*) of para 23 was omitted by Act II of 1910.

forthwith transfer the case for the disposal of such officer as may be appointed in that behalf by general or special order of Government.

30. Not more than 48 hours (Sunday and the weekly holiday excluded) must be allowed to elapse between the receipt of the report and the investigation of the case.

31. The Commanding Officer is responsible that, when such cases are brought up for investigation, they are brought as complete as possible, and that all witnesses, both those for and those against the offender are present.

Dispo
inves

32. After the investigation has been completed, the Chief Commandant will either—

(1) punish the offender (under paragraph 23) or,
(2) report the case to Government for orders.

33. All punishments awarded by the Chief Commandant will be duly entered in the general defaulters' book and in the sheet-rolls.

34. (*a*) The Chief Commandant is not authorized to cancel, remit, or reduce any summary award of punishment made by a Commanding Officer in accordance with these Rules without the approval of Government.

(*b*) All cases, in which the Chief Commandant may be of opinion that the *Commandant's* recommendations should not be accepted, shall be submitted by the Chief Commandant for the orders of the Government in the following form :—

Date and No of *Command-ant's* recom-mendation	Brief statement of facts	*Command-ant's* recommenda-tions	Chief Command-ant's opinion	Orders of Government

All such references will be returned to the Chief Commandant with the orders of Government duly entered in the last column.

[* *] Substituted for the word "Regimentdar's" by para 9 of Act II of 1910.

35. By an executive order, the Government may, at any time, add to, modify, or cancel any of the powers specified in paras 3 to 34 of these Rules, and provide for their exercise by such officer and in such manner as it may from time to time think fit.

XI.—COURTS-MARTIAL.

Court Martial.

***36.** The procedure to be observed for the assembling and composition of Courts-Martial on service and in time of war will be the same as that laid down in the Indian Army Act, 1911, as amended from time to time.

In times of peace, the rules prescribed in the Manual of Indian Military Law and Regulations for the army in India under Court-Martial may be taken as a guide for the procedure of Court-Martial where not otherwise provided for in the Mysore Military Act.

Composition.

37. In time of peace a Court-Martial under these Rules will consist of a President not under the rank of Squadron Commander (*c*) [or Company Commander] and two officers as members. For the trial of an officer, the number of members will ordinarily be four, of whom at least two should be seniors to the prisoner, and, if possible, the remainder should be of equal rank to the prisoner. Provided that where four officers are not present and available, two will suffice.

By whom convened.

38. † A Court-Martial for the trial of a person other than a commissioned officer will be convened by the Chief Commandant and a Court-Martial for trial of a commissioned officer will be convened by be Cheif Commandant with the sanction of the Government or of an officer specially authorised in this behalf by the Government.‡

39. Courts-Martial will only be resorted to in case of serious offences, or when it is found that milder measures have not had the desired effect, or when it is thought desirable in the interests of discipline that an example should be made.

*This para was amended by Act V of 1900, by para 17 of Act XXIX of 1940 and by para 2 of Act XX of 1942.

[ ] Inserted by para 10 of Act II of 1910 and the word "company" substituted by para 18 of Act XXIX of 1940.

† This para was substituted for the original by para 19 of Act XXIX of 1940.

40. When application has been made for a Court-Martial to be assembled, no witness is to be allowed to leave the station except in case of severe sickness, or public emergency. The death or absence of any material witness is to be immediately reported to the Chief Commandant for the information and orders of *the authority sanctioning the convening of the Court-Martial.*

41. An officer employed on Court-Martial duty is not to be allowed to leave the station until the sentence of the Court-Martial is confirmed, except with the special sanction of Government.

42. A prisoner ordered for trial by Court-Martial must have the charge or charges on which he is to be tried read over and carefully explained to him at least 24 hours before the trial commences, and he will at the same time be called upon to give the names of the witnesses whom he desires to be called in his defence.

43. No man can be tried by Court-Martial on a charge of which he has already been acquitted or convicted by a Civil Court or a Court-Martial.

Statute of limitation.

44. No person will be tried or punished by a Court-Martial for any military offence after the expiration of three years from the date of the commission of that offence [other than an offence of mutiny or fraudulent enrolment] unless the offender, by reason of absence or of some other manifest impediment, could not be arrested or confined or brought to trial within that period, in which case he will be liable to trial at any time not exceeding two years after such impediment shall have ceased.

Precedence of Members of Courts-Martial.

45. Members will take their places in Court by seniority, and on a vote being taken, the President will call on the junior to give his vote first, and then in rotation to the senior member, the President himself voting last. No written record will be kept of the votes of the different members.

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47. When being tried by Court-Martial, an officer or a non-commissioned officer should be placed under the custody of an officer or a non-commissioned officer of equal or superior rank.

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* Substituted for the word "Government" by para 20 of Act XXIX of 1940.

[ ] Inserted by para 21 of Act XXIX of 1940.

* * Para 46 was omitted by para 22 of Act XXIX of 1940.

Prosecutor.

48. The Adjutant, or other specially appointed officer will act as prosecutor. It is his duty to see that all witnesses are present, and that those for the prosecution give evidence bearing on the case; also that all documents required in the case are laid before the Court.

XII.—Procedure of Courts-Martial.

Procedure of Courts-Martial.

49. At a trial by Court-Martial, as soon as the Court is assembled, the names of the President and members shall be read over in the presence of the prisoner, each one answering to his name. The prisoner shall then be asked whether he objects to be tried by any of the officers composing the Court. If any objection is made, the prisoner's objection and the explanation of the officer concerned shall be heard and recorded by the munshi on a separate sheet of paper, and the Court will then, in the absence of the challenged officer and the prisoner, decide the objection. If found valid, the Court will adjourn and report the case to the Chief Commandant who will appoint another officer as member. If the objection is not found valid, the Court will proceed with the trial of the prisoner.

Oaths.

50. The president and members of the Court will then make the following solemn affirmation:—

"I, ————————, solemnly affirm in the presence of Almighty God that I will duly administer justice without partiality, favour, or affection, and, if any doubt shall arise, then according to my conscience, the best of my understanding, and the custom in like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further that I will not disclose or discover the vote or opinion of any particular member of the Court unless required to give evidence thereof by a Court of justice or a Court-Martial in the due course of law."

52. All witnesses, before being examined, will make the following solemn affirmation:—

"I solemnly affirm in the presence of Almighty God that what I shall state before this Court shall be the truth, the whole truth, and nothing but the truth."

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* * * Para 51 was omitted by para 23 of Act XXIX of 1920.

53. Whether the prisoner pleads "guilty" or "not guilty" or whatever the plea may be, the Court-Martial must always take evidence regarding the charge preferred against him.* Prisoner's plea.

[a] **53A.** (1) The President of a Court-Martial may, by summons under his hand, require the attendance before the Court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing. Summoning witnesses and production of documents.

(2) In the case of a witness amenable to military authority, the summons shall be sent to his superior officer and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be or reside, and such Magistrate shall give effect to the summons as if the witness were required in the Court of such Magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with convenient certainty.

(5) Nothing in this paragraph shall be deemed to affect the Indian Evidence Act, 1872, Sections 123 and 124, or to apply to any letter, post card, telegram or other document in the custody of the Postal or Telegraph authorities.

(6) If any document in such custody is, in the opinion of any District Magistrate, the †High Court,† or any Court of Session, wanted for the purpose of any Court-Martial, such Magistrate or Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

(7) If any such document is, in the opinion of any other Magistrate or of any District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to

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*One witness is usually sufficient to substantiate a charge to which the prisoner has pleaded guilty.

[a] Paragraphs 53A to 53C were added by Act IV of 1905.

†-†The words 'High Court' were substituted for the words 'Chief Court' by Act XII of 1930.

cause search to be made for and to detain such document pending the orders of any such District Magistrate or Court.

Contempts of Court.

53B. (1) Any witness duly summoned, and any person who commits any contempt of Court in the presence of a Court-Martial, or any offence described in clauses (27), (38) and (39) of paragraph 2, shall, if subject to these rules, be proceeded against as the Court may direct.

(2) If any such witness or person is not so subject, the President of the Court-Martial may certify the offence under his hand to the Court of any Magistrate within the local limits of whose jurisdiction it was committed, and the Magistrate may thereupon take cognizance of the case, and, after hearing anything which the accused may desire to say, dispose of it as if the offence had been committed in a proceeding in a Court of such Magistrate.

Privileges of persons attending Courts-Martial.

53C. (1) No President or member of a Court-Martial, no party to any proceeding before a Court-Martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a Court-Martial, shall, while proceeding to, attending on or returning from, a Court-Martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the Court-Martial.

Witnesses.

54. All witnesses who appear before a Court-Martial must be examined in the presence of all the members of the Court-Martial and of the accused.

55. The prisoner has the right to cross-examine any witness who gives evidence in Court.

56. Witnesses are to be called before the Court separately, and must be examined separately; during the examination of a witness no other witness may be present in or within hearing of the Court.

57. Every decision of a Court-Martial must be passed by a majority of votes.

58. If the votes are equal as to either finding or sentence, the decision shall be in favour of the prisoner.

59. In all matters other than the finding or sentence, the President shall have a casting vote.

[*a*] Paragraphs 53A to 53C were added by Act IV of 1905.

60. Except in the following cases, no prisoner can be convicted of an offence other than the offences mentioned in the charge-sheet.

A person charged with—	May be found guilty of—
(1) Desertion.	(1) Attempting to desert or absence without leave.
(2) Attempting to desert.	(2) Desertion, or absence without leave.
(3) Theft, or dishonest misappropriation, or criminal breach of trust, or dishonestly receiving or retaining stolen property	(3) Any one of those offences.
(4) An offence committed under circumstances involving a higher degree of punishment.	(4) The same offence under circumstances involving a less degree of punishment.

Evidence of character.

61. When any person is convicted by a Court-Martial of any offence, the prosecutor will be required to produce evidence of any previous conviction of such person, and further a record of his general character should he be under the rank of an officer, and such evidence shall be enquired into and recorded by the Court. For this purpose, the prisoner's sheet roll and a copy thereof will be laid before the Court and the latter, after having been compared with the original, will be attached to the proceedings.

Award of imprisonment to a man already undergoing imprisonment.

__62.__ Whenever any person is sentenced under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the court: Provided that where a sentence of imprisonment is awarded by a Court-Martial to an offender already under sentence of imprisonment for a limited term, the court may direct by its award that the imprisonment shall commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of imprisonment may exceed the limit awardable for any particular offence.

[*-*] This para was substituted for the original by para 24 of Act XXIX of 1940.

XIII.—CONFIRMATION.

Disposal of proceedings.

63 The proceedings of every Court-Martial shall, after being signed by the President (Commanding Officer in the case of summary Court-Martial) and members, be sent in a sealed envelope by the hand of the Officer who wrote them to the Chief Commandant for confirmation in the case of such Court-Martial as he is empowered to convene under paragraph 38, and in other cases for transmission to Government for confirmation.

Confirmation.

64. The confirming authority may confirm or not confirm the sentence, or may reduce the punishment awarded, or may order the Court-Martial to re-assemble, to re-consider or revise their finding or sentence, or both. For this purpose, a Court-Martial may only be once re-assembled.

Revision.

65. When a Court-Martial re-assembles to re-consider or to revise its finding or sentence, or both, it may take additional evidence.

66. A Court-Martial when thus re-assembled must consist of the same officers as originally served on it. If any of these is unavoidably absent and if revision cannot, in consequence, be properly carried out, the finding or sentence, or both may in such case be altered by the confirming authority.

XIV PUNISHMENTS.

Punishments.

67. The following are the punishments to which soldiers and followers are liable for committing military crimes :—

OFFICERS, ASSISTANT SURGEONS, AND HOSPITAL ASSISTANTS.

(1) [ ]
(2) Imprisonment with † or without hard labour.
(3) Dismissal ‡
(4) Suspension from rank, pay and allowances.
(5) Loss of standing.
(6) Reprimand or severe reprimand.
(7) Forfeiture of arrears of pay and allowances §
(8) Stoppages ||

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* * This para was substituted for the original by para II of Act XIX of 1942.

[—] Omitted by para 25 of Act XXIX of 1940.

† See paragraph 62.
‡ See paragraph 90.
§ See paragraphs 90 and 9
|| See paragraph 92.

NON-COMMISSIONED OFFICERS, SOWARS [§] AND DRIVERS [§]

(1) [ ]
(2) Imprisonment, with or without hard labour. (*a*)
(3) Dismissal. (*b*)
(4) Loss of standing.
(5) Reduction to a lower grade or to the ranks.
(6) [ ]
(7) Forfeiture of arrears of pay and allowances. (*c*)
(8) Stoppages. (*d*)

[c] FOLLOWERS—[c]

(1) [ ]
(2) Imprisonment, with or without hard labour. (*a*)
(3) Dismissal. (*b*)
(4) [ ]
(5) Fines.

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69. *Imprisonment.*—Sentences of imprisonment with hard labour for more than three calendar months will be carried out in the Civil Jail and will [‡] not of themselves [‡] involve dismissal, from the service. Officers must be sentenced to dismissal and non-commissioned officers to reduction to the ranks *before* being sentenced to imprisonment. Sentences of imprisonment with hard labour for three months, or of any less period, and all sentences of imprisonment without hard labour, will be carried out in the regimental quarter-guard, prisoners' room or cells.

70. *Suspensions from rank, pay and allowances.*—This sentence must never exceed three months.

71. *Loss of standing* can only be inflicted in the rank held by the prisoner at the time of the sentence: thus a Risaldar or Jamadar can only be placed some places lower in, or at the bottom of, the list of Risaldars or Jamadars, as the case may be.

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§—§ These words were added by para 11 of Act II of 1910 which repealed certain other words in the same line.

[ ] These were omitted by para 25 of Act XXIX of 1940.

(*a*) See paras 62, 69 and 85.

(*b*) Do 85, 90 ond 91.

(*c*) Do 90 and 91.

(*d*) See para 92.

*** Para 68 was omitted by para 26 of Act XXIX of 1940.

‡—‡ Added by Section 3 of Act I of 1920.

72. *Reprimand or severe reprimand.*—This sentence will be communicated to the prisoner by the Chief Commandant in the presence of all the officers of the [unit to which the individual belongs.]

73. *Reduction to a lower grade*† *or to the ranks.*—This punishment is only awardable in the case of non-commissioned officers including Lance-Daffadars.

* * * *

75. *Stoppages* are only awardable as a punishmen for damage to or neglect of horse or wilful injury to o misappropriation of Government property, and are reco verable at the rate of one-third of the monthly pay of th prisoner.

76. *Fines* can only be levied from followers, an must not exceed the amount of the prisoner's pay for thre months. They are recoverable at the rate of one-thir of his monthly pay.

Punishment of certain offences.

77. The following offences are punishable mor severely when committed on active service, than durin peace time :—

Sentry sleeping on, or, quitting his post.
Leaving his post or party in search of plunder.
Quitting guard or party without leave.
Corresponding with the enemy.
Assisting the enemy.
Misbehaviour in presence of the enemy.
Creating false alarm.
Assaulting persons bringing provisions.
Striking or forcing a sentry.

Offences committed on active service.

78. The following offences, when committed on active service, are punishable §under these Rules§ with death or with imprisonment up to 14 years:

Mutiny and sedition.
Violence to a superior.
Disobedience to the lawful command of a superior.
Desertion, or attempt to desert.
Re-enlistment without having been discharged
Sentry sleeping, or quitting his post.

[ ] Substituted by para 27 of Act XXIX of 1940.

† See para 85.

*** Para. 74 omitted by para 28 of Act XXIX of 1940.

§ § These words in Sections 78 and 79 were inserted by Act V of 1900.

Sentry plundering.
Abandoning garrison or post.
Betraying watchword or countersign.
Corresponding with the enemy.
Assisting enemy.
Releasing State prisoner or enemy.
Misbehaviour in the presence of the enemy.
Seeking plunder during action.
Quitting guard.
Assaulting persons bringing in provisions.
Causing a false alarm.

79. Whenever any person is convicted [under these Rules] of the crime of mutiny, or sedition, all his property, moveable and immoveable, shall be forfeited to the State, if the property be within the limits of the State, otherwise to the British Government.

Offences punishable with imprisonment up to 14 years under these Rules.

80. The following offences are punishable under these Rules with imprisonment up to 14 years or such less punishment as the Court-Martial may award :—

Mutiny.
Violence to superiors.
Insubordination.
Betraying watchword.
Abandoning post.
Wilfully creating false alarm.

Up to two years.

81. The following offences are punishable under these Rules with imprisonment for two years, or such less punishment as the Court-Martial may award :—

Desertion.
Unbecoming behaviour in an officer, Assistant Surgeon, or Hospital Assistant.
Releasing prisoners.
Assaulting persons bringing provisions.
Striking or forcing a sentry.
Breaking arrest.
Striking subordinate.
Extortion.
Defiling place of worship.
Giving false evidence.*

[ ] These words in Sections 78 and 79 were inserted by Act V of 1900.

* See also paragraph 90.

Malingering.
Wilfully causing hurt.
Theft.
Making false returns
Other fraudulent offences.
Cruelty or indecency
Taking bribes.
Embezzlement
Destruction of Government property.
Writing anonymous letters.
Quitting guard, post, picquet or patrol without being regularly relieved, or without leave.
Refusing to superintend or assist in making any field-work, or other military work of any description when ordered to do so.
Attempting to commit suicide.
Appearing armed in camp.

Up to one year.

82. In time of peace, the following offences are punishable under these Rules with one year's imprisonment, or such less punishment as the Court-Martial may award :—

Disobedience.
Sentry sleeping on or quitting post.
Striking or forcing a sentry.
Absence without leave.
Drunkenness on duty.
Injuring or making away with horse, arms, clothing or equipment.
Harbouring deserter.
Failure to attend parade
Habitual drunkenness.
Contempt of and offences against Court-Martial
Failure to rejoin.
Enlisting deserter.
Quitting parade, or line of march.
Quitting guard, or party, without leave.
Making wilfully false answer on enlistment.
Conduct prejudicial to good order and military discipline.

3. Stoppages may be awarded under these Rules in addition to other punishment for the following offences:-

*See also paragraph 90.

Injuring or making away with horse, arms, clothing, or equipment.
Misappropriation of money or stores.
Destroying Government property.

84. Dismissal from the service may be awarded in addition to any other sentence. Dismissal.

*__84 A.__ (*a*) Any person who is found guilty by a Court-Martial of any of the offences defined in clauses 5, 25, 26, 28, 29, 30, 32, 40, 47 of para 2 of this Act.

(*b*) who is dismissed from the service, or is expressly discharged on account of misconduct, or on conviction by a court for an offence which would also be an offence under any of the following clauses, *viz.*, 25, 26, 28, 29, 30, 32, 40, of para 2 of the said Act or who is sentenced by a criminal court to a punishment exceeding six months imprisonment.

(*c*) who is sentenced to transportation or to forfeit his medals, shall forfeit all medals, decorations (other than the V. C. Military Cross, Order of British India and Indian Order of Merit, which are dealt with under special regulations) of which he may be in possession or to which he may be entitled together with the annuity or gratuity, if any, thereto appertaining.

85. A non-commissioned officer sentenced by Court-Martial to dismissal, or to corporal punishment, or to imprisonment with or without hard labour, shall be deemed to have been reduced to the ranks even though reduction may not have formed part of his sentence. Reduction.

XV.—Loss of Arms.

86. In all cases of the loss of a rifle, pistol, carbine or of ball ammunition, the person or persons in whose charge it was, shall be tried by Court-Martial. It will rest within the accused to prove that the responsibility for the loss does not rest on him. Loss of arms.

†**87.** For all arms or part of arms lost, the following amount will be charged to the person or persons in fault, and the Court-Martial shall sentence the prisoner

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*This para was added by para 29 of Act XXIX of 1940.

†Amended by para 30 of Act XXIX of 1940.

to stoppages to these amounts in addition to any other punishment awarded :—

		Rs.
For each	Maxim or Vickers gun ...	1,600
Do	Hotchkiss and Lewis gun ...	1,000
Do	'303 rifle	800
Do	M. H. rifle or cabine	250
Do	Pistol	175
Do	Bolt of a rifle, carbine or Lewis gun ...	50
Do	Breech block of Hotchkiss gun ...	50
Do	Lock of Maxim or Vickers gun ...	50
Do	Grenade	20
Ammunition for Civil offences ...		... Twice its actual value.

XVI.—Desertion.

88. In trials for desertion, the following points must be borne in mind :—

1.—If leave has been granted to the offender and he deserts, the date of desertion in the charge will be that on which the leave expired.

2.—The fact of [*an Indian*] *soldier having been struck off after two months' illegal absence does not affect his liability to trial, if afterwards apprehended, or if he surrenders.*

3.—On any trial for desertion, the accused may be found guilty of either desertion or of absence without leave, but in the latter case, the period of such absence must be set forth in the finding.

XVII.—Abetment.

Abetment.

89. Any person who abets an offender punishable under these Rules, [§] may be punished with the punishments provided for such offences.

XVIII.—Miscellaneous.

Dismissal.

90. On conviction of any one of the following offences, the accused *shall be* sentenced by the Court-Martial to dismissal from the service *and* to forfeiture of all arrears of pay and allowances, *in addition* to any other punishment awarded :

Embezzlement.
Destruction of Government property.
Giving false evidence.

[ ] Substituted by para 31 of Act XXIX of 1940.
§ Certain words repealed by Act V of 1900.

91. On conviction of any offence if the accused is sentenced to dismissal from the service, or to any punishment involving dismissal, he may further be sentenced to forfeit, if the Court-Martial shall so direct, all or any arrears of pay and allowances due to him or such portion thereof as may be required to make good any proved loss or damage arising out of his offence. Forfeiture of pay, etc.

92. A Court-Martial may, in addition to any punishment (except dismissal, or a punishment involving dismissal), sentence any person to be put under stoppages until any loss or damage arising out of his offence, be made good. Stoppages.

* **93.** *Civil offences.*—Every person subject to this Act who either within the Mysore State or at any place beyond the State commits any civil offence shall be deemed guilty of an offence against Military Law, and if charged therewith under this section, shall be liable to be tried for the same by Court-Martial and on conviction to be punished as follows, that is to say—

(*a*) if the offence is one which would be punishable under the law of Mysore with death or with transportation, he shall be liable to suffer any punishment other than whipping assigned for the offence by the law in Mysore; and

(*b*) in other cases he shall be liable to suffer any punishment other than whipping assigned for the offence by the law of Mysore or such punishment as might be awarded to him in pursuance of this Act in respect of an act prejudicial to good order and military discipline :

Provided that a person subject to this Act who at any place within Mysore and while not on active service commits the offence of murder or culpable homicide not amounting to murder in relation to a person not subject to Military Law, or the offence of rape shall not be deemed to be guilty of an offence against Military Law and shall not be tried by a Court-Martial.

2. The powers of a Court-Martial to try and to punish any person under this section shall not be affected by reason of the fact that the civil offence with which such person is charged is also a military offence.

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* This para was substituted for the original by para 32 of Act XXIX of 1940.

Jurisdiction over certain offences.

*94. When a Criminal Court and a Military authority have each jurisdiction in respect of an offence, it shall be in the discretion of the Government to decide before which of them the proceedings shall be instituted, and if the Government decides that they shall be instituted before a Military authority, to direct that the accused person shall be detained in Military custody.

Power of Criminal Court to require delivery of accused person.

†95. (1) When a Criminal Court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer to whose command the accused person is subject, at his option either to deliver over the accused person to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Government.

(2) In every such case the said officer shall either deliver over the accused person in compliance with the requisition or shall forthwith refer the question as to the Court or authority before which the proceedings are to be instituted for the determination of the Government, in the meantime postponing all proceedings against the accused person.

The order of the Government upon such reference shall be final.

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[*] Para 94 was added by para 2 of Act II of 1907 and certain words added to the para by Act I of 1920 were omitted by Act V of 1921.

†Para 95 was added by para 2 of Act II of 1907.

APPENDIX A.

FORM OF ORDER CONVENING COURT-MARTIAL.

General orders by
Chief Commandant———————————— ————

In accordance with instructions received from Government [or from an officer specially authorised to accord sanction] ————a Court-Martial composed as under will assemble in the [Regimental Orderly Room] of the———— for the purpose of trying No. ————————and such other prisoners as may be brought before it :—

PRESIDENT.

———————————————————————

MEMBERS.

———————————————————————
———————————————————————
———————————————————————
———————————————————————

The prisoner will be warned and all witnesses duly required attend.

(Sd.)————————————————
Chief Commandant.

N.B.—The names, rank and corps of the President and members to be entered in full.

[ ] Certain words were added and certain others substituted by para 33 of Act XXIX of 1940.

APPENDIX B.

FORM OF CHARGE SHEET.

The prisoner No. ————————

is charged with

1st charge————————*————————

————————————————————————————————

in that

————————————————†————————————————

————————————————————————————————

2nd charge————————————————————————

in that

(Sd.)————————

Chief Commandant.

---

*Here state heading of charge as shown in italics in paragraph 2.

†Here state the particulars thus:—

First charge—insubordination

in that

At Agra on the 20th June 1890, when ordered by his superior officer, Haur Sham Singh, to lay out his kit for inspection, he said: "I have already had my kit inspected once to-day, and I won't lay it out again" or words to that effect.

APPENDIX C.

Form of Proceedings of a Court-Martial.

(To be written on one side of the paper only.)

Proceedings of a Court-Martial held at———— on the————day of———193——, conveyed by order of————————————————————————————————————.

President.*

————————————————————————————————————

Members.*

————————————————————————————————————
————————————————————————————————————
————————————————————————————————————
————————————————————————————————————
————————————————————————————————————

At—— —— o'clock, A.M./P.M., the Court opens for the trial of

No. ————————————————————————————————

Imperial Service————————————————————

[ ]————————————————————————————————

is present to write the proceedings of the Court.

The order convening the Court is read and attached to the proceedings. (Appendix A.)

The prisoner named above is brought before the Court.†

The names of the President and members are read over in the hearing of the prisoner, and they each answer to their names as they are read out.

The rank, name and corps of the President and of each of the members and also of the prisoner, should be entered in full.

[—] The words 'Munshi or Babu' were deleted by para 33 of Act XXIX of 1940.

† The prisoner and his escort only are brought before the Court and not any of the witnesses. The witnesses should remain outside, out of hearing of what takes place in Court, and be called in one by one as required. See para 56.

Question 1.—*By the President, to the prisoner*

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer 1.—*The prisoner replies*:-

The President and members make solemn affirmation.†

[

The charge sheet is read, carefully explained to the prisoner, and attached to the proceedings. (Appendix B.)

Question 2.—*By the President, to the prisoner*:—

Are you guilty, or not guilty, of the (first) charge?

Answer 2.—*The prisoner replies*:—

Question.—Are you guilty, or not guilty, of the (second) charge?

Answer.—*The prisoner rep*

* Should the prisoner object to the President or to any member or members, the rules laid down in para 49 should be observed.

† See para 50.

[—] Certain words were deleted by para 33 of Act XXIX of 1940.

NOTE.—Every question and answer should be numbered consecutively. The prisoner should be asked to plead guilty, or not guilty to each one of the charges for which he is being tried.

APPENDIX C—*contd.*

(*Rank*).....
appears as prosecutor, and proceeds to call witnesses.*

First witness for the prosecution:—

No.———————————————————————————————

having made a solemn affirmation states†;—

The prisoner declines to cross-examine this witness

or

Cross-examined by the prisoner, the witness states ‡:—
Cross-examined by the Court, the witness states §—
The witness withdraws.

Second witness for the prosecution:

No. ———————————————————————————————

having made solemn affirmation states ||:—

The witness withdraws.

The prosecution is closed.¶

DEFENCE.

The prisoner, being called to state what he has to urge in his defence, or in mitigation of punishment states:—

---

* See para 48. The rank, name and corps of the prosecutor and of each witness should be entered in full.

† The evidence given should be taken down as nearly as possible in the witness's own words. See para 54.

‡ When the witness has completed his statement, it should be read over to him in order that it may be corrected, if necessary. The prisoner will then be allowed to cross-examine the witness, should he wish to do so. (See para 55.) Should he not wish to do so, it must be recorded that he declined to cross-examine.

§ Any number of questions bearing on the original evidence given by the witness may be put by the prisoner and the Court. All the replies must be recorded in full.

|| The evidence of each witness will be recorded on a separate sheet of paper in the same manner as prescribed for the first witness. Additional sheets to be added as may be necessary.

¶ When all witnesses for the prosecution have been examined, the prosecution will be closed and the prisoner will be called upon to state what he wishes to say in his defence. This statement should be recorded word for word.

First witness for the defence :—

No. ——— ———— ———— ————

having made solemn affirmation states *

Cross-examined by the prosecutor, the witness states ;—

The witness withdraws,

The Court is closed to consider its finding †

FINDING. ‡

The Court finds that the prisoner No. .....

is *guilty* (or *not guilty*, as the case may be) of the first charge, is *guilty* (or *not guilty*) of the second charge.

PROCEEDINGS BEFORE SENTENCE §

The Court is re-opened and the prisoner is again brought before it.

The prosecutor

is solemnly affirmed, and replies to the following questions put to him by the President:

Question.—What character does the prisoner bear, and what is his service?

Answer.—I produce a true copy of his sheet-roll which shows that his character is——— ——— ——— ——— and that he has——— ——— years——— ——— ———month's service. *The copy is compared with the original sheet-roll and is then attached to the proceedings.*

See para 42. If the prisoner has any witnesses to call to speak in his defence or as to his character, their evidence will be recorded in exactly the same manner as in the case of witness for the prosecution. The prosecutor will be allowed to cross-examine all the witnesses called by the prisoner.

† All but the members of the Court will now leave the room, and be sent beyond ear shot of what is said inside.

See paras 58 and 60. A separate finding of guilty, or not guilty, must be recorded for each one of the charges, should there be more than one

§ See paragraph 61.

‖ The rank, name and corps of the prosecutor to be entered in full.

APPENDIX. *C—contd.*

Question.—Is the prisoner before the Court the person referred to in this sheet-roll ?

Answer.—Yes.

Question.—How long has the prisoner been under arrest (or in confinement) on account of the charges for which he is now being tried ?

Answer.——————————days.

The prisoner declines cross-examining this witness.*

The witness withdraws. The Court is closed to consider the sentence.

SENTENCE. †

The Court sentences the prisoner No. ——————— to be‡———————

Signed at——————————on the——————— day of——————————193——

———————*President.*

———————
———————
———————
———————
} *Members.*

.... [——] by whom the proceedings were recorded.

*The prisoner may cross-examine this witness, should he wish to do so.

†The prisoner will be marched back to the lines and the witnesses allowed to disperse.

‡See Para 67 *et. seq.*

[—] Omitted by para 33 of Act XXIX of 1940.

APPENDIX *C—concld.*

CONFIRMATION

(*a*) Confirmed.

(*b*) Confirmed but I remit———————————————————

(*c*) Not confirmed.

Signed at————————on the—— ——day of——193–

REVISION

At———————————— on the————————————day of ———————193———————— -at—— ——M., the Court composed of the same members, all being present, re-assembles by order of -for the purpose of re-considering its

[———]is present.

The order directing the re-assembly of the Court, and the letter [*or* memorandum] giving the reasons of Government for requiring a revision of the——————————————

are read and attached to the proceedings

The Court, having attentively considered the observations of the Convening officer, does now-

Signed this————————————day of————189—

————————*President.*

———————— } *Members*

———————— }

*See paras 63-66.

†Here enter "Finding," or "Sentence" or both Finding and Sentence, as the case may be.

[—] Omitted by para 33 of Act XXIX of 1940.

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